

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

FILED

IN RE: THURMAN BROWN PATTERSON, JR., Respondent
Arkansas Bar ID#84118
CPC Docket No. 2007-090

APR 18 2008

**LESLIE W. STEEN
CLERK**

CONSENT FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Gerald Lee in an Affidavit dated August 25, 2007. The information related to the representation of the Estate of Melody Lee and Gerald Lee by Respondent beginning in 2003.

On September 20, 2007, Respondent was served with a formal complaint, supported by affidavit from Gerald Lee and correspondence to and from Respondent related to the grievance of Mr. Lee, with the Office of Professional Conduct. A response was filed. The Respondent and the Executive Director negotiated a discipline by consent proposal, which was submitted to this Panel.

During April 22, 2003, Gerald Lee as Personal Representative of the Estate of Melody Lee hired Thurman Brown Patterson, Jr., an attorney then practicing primarily in Hot Springs, Arkansas, but now relocated to Lancaster, South Carolina, to handle an insurance claim. Mr. Patterson did not do so in a timely manner.

Mr. Lee was married to Melody Lee who died on November 7, 2001. Mrs. Lee owned an apartment house located at 106 Breeze Street in Hot Springs, Arkansas. On or about March 1, 2000, a fire occurred at the apartment house, for which Ms. Lee made claim to her insurer, Loyds of London. The claim was still in the investigative phase when Ms. Lee died. She had spoken

with Mr. Patterson about handling the claim prior to her death. Mr. Lee believed that his late wife had actually hired Mr. Patterson but Mr. Patterson stated at a later date that she had not done so.

After Ms. Lee's death Mr. Lee was appointed Administrator of her estate on February 19, 2002. Mr. Lee hired Ronald G. Naramore to handle the probate of his wife's estate. After Mr. Lee told Mr. Naramore about the apartment house fire he contacted Mr. Patterson by telephone on several occasions. On each occasion, it was Mr. Lee's understanding that Mr. Patterson told him that information would be forthcoming.

Finally, when no information was forthcoming, Mr. Naramore wrote Mr. Patterson on December 16, 2002, and asked for a status report on the progress of Ms. Lee's insurance claim. On January 15, 2003, Mr. Patterson finally responded in writing asking if the Estate wanted him to pursue the claim. Mr. Naramore advised Mr. Patterson, in a letter dated March 6, 2003, that he was to pursue the claim and to send whatever documents needed to be signed to insure the representation.

On April 11, 2003, Mr. Patterson sent a contingency fee agreement and an attorney lien letter. Mr. Lee signed both the contingency fee agreement and lien letter and they were returned to Mr. Patterson by Mr. Naramore on April 23, 2003. In the transmittal letter returning the signed documents to Mr. Patterson, Mr. Naramore requested to be kept informed of the claim's progress. As of July 26, 2006, neither Mr. Naramore nor Mr. Lee had heard anything from Mr. Patterson. Mr. Naramore called Mr. Patterson on numerous occasions and wrote him on several occasions as well. Mr. Lee learned that the statute of limitation had expired and whatever claim Ms. Lee's Estate had may well be unable to be pursued.

Mr. Patterson explained that he did not fail to pursue the claim to settlement because the claim had already been rejected before he was consulted. He offered that he was to make a decision whether it was a claim worth pursuing. Mr. Patterson did not specifically advise that he would not pursue the claim in enough time for the estate to retain other counsel.

After the filing of the grievance form, Mr. Patterson was contacted by the Office of Professional Conduct about the matter. Mr. Patterson advised that he had turned Mr. Lee's claim over to his malpractice carrier and authorized them to settle it. Neither Mr. Naramore nor Mr. Lee had ever had any contact with a malpractice carrier on behalf of Mr. Patterson.

Mr. Patterson disputed this fact. He explained that Mr. Naramore had been contacted by the malpractice carrier. Mr. Naramore was unhappy with the discussions had with the adjusters but he had in fact been in touch with the insurance carrier and had been for some period of time before the filing of the formal disciplinary complaint. Mr. Patterson provided proof that he notified his insurance carrier promptly after receiving the demand letter from Mr. Naramore. His policy limits are well in excess of any possible value the claim could have. In addition, Mr. Patterson has given his carrier consent to settle.

Mr. Patterson accepted responsibility for failing to handle the matter entrusted to him by Mr. Lee in a manner expected of a practicing attorney. He expressed embarrassment by his failure. He offered that he allowed his personal circumstances to affect the performance of his duties to the estate of Melody Lee. Mr. Patterson explained that he fully expected to complete his duties with regard to Mr. Lee and the Estate. Mr. Lee was suffering from many personal issues and did not comply with all of his duties and readily admits this fact.

Upon consideration of the formal complaint and attached exhibit materials, the response,

the consent proposal, and other matters before it, and the Arkansas Model Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. That Mr. Patterson's conduct violated Model Rule 1.3, when he did not take action on the insurance claim of the Estate of Melody Lee prior to the expiration of the statute of limitation. Model Rule 1.3 requires that a lawyer act with reasonable diligence and promptness in representing a client.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that THURMAN BROWN PATTERSON, JR., Arkansas Bar ID#84118, be, and hereby is, CAUTIONED for his conduct in this matter. In addition, pursuant to Section 18.A. of the Procedures of the Arkansas Supreme Court Regulating Professional Conduct of Attorneys at Law (2002), Mr. Patterson is assessed the costs of this proceeding in the amount of \$100. The costs assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B

By: Valerie Kelly
Valerie Kelly, Chair, Panel B

Date: April 18, 2008

(13.M, Rev.1-1-02)